

ORIGINAL

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

2013 MAR -6 PM 2:04

LISA L. BROWN, M.D.

V.

SOUTH PLAINS RURAL  
HEALTH SERVICES, INC.

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§  
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§  
§

CIVIL ACTION NO. 5-13CV00054-C

DEPUTY CLERK *[Signature]*

**COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Lisa L. Brown, M.D., Plaintiff, complaining of South Plains Rural Health Services, Inc., Defendant, and for cause of action would respectfully show the Court as follows:

1. Plaintiff is a citizen of the United States and a resident of the State of Texas.
2. Defendant, is an entity organized and existing pursuant to the laws of the State of Texas, which may be served with process by service upon its registered agent, Judith Madura, M.D., 1000 FM 300, Levelland, Texas 79336.
3. Plaintiff brings this action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§2000e et seq. (hereinafter referred to as "CRA").
4. This Court has jurisdiction of this action pursuant to 42 U.S.C. §2000e-5 and U.S.C. §1367.
5. Venue is proper in the Northern District of Texas under 28 U.S.C. §1391(b).
6. Plaintiff has satisfied all conditions precedent to initiating this court action.
7. Plaintiff is a former employee of Defendant. Plaintiff was, at all times relevant to this cause of action, an eligible employee under the CRA.
8. Defendant is an employer under the CRA.

9. Defendant violated the CRA by discriminating against Plaintiff on the basis of her race and maintaining a hostile work environment due to her race.

10. Plaintiff began working for Defendant on or about June 1, 2010, as a physician. On or around January 10, 2012, Plaintiff was notified by Defendant that her employment was being terminated.

11. In general, the wrongful conduct by Defendant began after Defendant refused to pay Plaintiff for supervising mid-level health care practitioners, as such duties were not provided for in Plaintiff's original employment contract. Sometime after the supervision of the mid-level employees ended, Plaintiff received a minimum amount of compensation for only two of the three mid-level employees supervised. However, a non-African American physician was fully compensated for performing the same type of work done as Plaintiff, and yet, this non-African American physician only worked a fraction of the time that Plaintiff did at the clinic. Additionally, one week prior to the termination of Plaintiff's contract, Defendant also terminated the employment of the only other African-American employee that was in a supervisory capacity with Defendant. Plaintiff believes such conduct by Defendant, as well as the termination of Plaintiff's contract, constitutes racial discrimination in violation of the CRA.

12. After Plaintiff had been working for Defendant for one year, Defendant asked Plaintiff to sign an addendum to her employment contract which would force her to provide additional supervisory duties without any additional compensation. After reviewing the addendum, Plaintiff responded that she would only sign the addendum if additional compensation was provided for. Defendant denied her request and began to treat Plaintiff in a way that created a hostile work environment.

13. Defendant breached the employment contract with Plaintiff by refusing to pay for Continuing Medical Education courses that were provided for in the employment contract. Plaintiff submitted all the required receipts and documentation to support reimbursement. Nonetheless, Plaintiff was constantly given the "run around" and was only compensated for one conference she attended.

14. Plaintiff, upon information and belief, states that she was also discriminated against on the basis of her race when Defendant transferred her to the Big Spring clinic location stating, as a pretext, that there was not enough money to pay Plaintiff's salary and yet, subsequently, hiring two additional physicians to replace Plaintiff at the Levelland clinic location. Additionally, Plaintiff alleges that Defendant acted with racial discriminatory motive when Defendant terminated Plaintiff's contract and when Defendant reprimanded Plaintiff for not seeing enough patients, referring patients for treatment by mid-level practitioners instead of receiving treatment by a medical doctor and for accidentally setting off the office alarm. Such conduct created a hostile work environment for Plaintiff.

15. The unlawful conduct of Defendant, as described above, has caused and will continue to cause Plaintiff harm.

16. As a result of Defendant's conduct, Plaintiff has suffered damages in the form of lost wages and benefits, as well as mental anguish and/or other economic and non-economic damages.

17. Plaintiff is entitled to recover from Defendant the value of the lost wages and lost benefits incurred as a result of Defendant's conduct, other economic damages, as well as non-economic, liquidated/punitive damages, interest on such amount and such other and further equitable relief that the Court deems appropriate, for which claim is hereby made.

18. Plaintiff is also entitled to recover from Defendant reasonable attorney's fees and other litigation expenses, for which claim is hereby made.

WHEREFORE, Plaintiff prays that Defendant be served with and answer the claims asserted herein and that, on final trial, Plaintiff be awarded judgment against Defendant for actual damages, liquidated/punitive damages, equitable relief, pre-judgment and post-judgment interest as allowed by law, attorney's fees, costs of court and such other and further relief to which Plaintiff may show herself justly entitled.

Respectfully submitted,

JOHNSTON & MILLER  
Attorneys at Law  
2402 52<sup>nd</sup> Street, Suite 12  
Lubbock, Texas 79412  
Phone: (806) 785-1499  
Fax: (806) 762-6901

By: \_\_\_\_\_

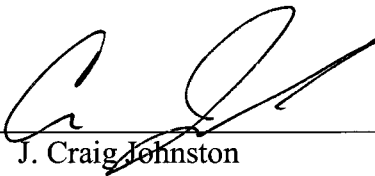
  
J. Craig Johnston  
State Bar No. 00787784

ATTORNEYS FOR PLAINTIFF

**JURY DEMAND**

Plaintiff respectfully requests a Jury Trial.

By: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "J. Craig Johnston", is written over a horizontal line. The signature is stylized with large, flowing loops.

J. Craig Johnston

## CIVIL COVER SHEET

5-13CV00054-C

The JS 44 civil coversheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

LISA L. BROWN, M.D.

(b) County of Residence of First Listed Plaintiff DAWSON

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

J. CRAIG JOHNSTON, JOHNSTON & MILLER, Attorneys at Law,  
2402 52nd Street, Suite 12, Lubbock, TX 79412 (806) 785-1499**DEFENDANTS**

SOUTH PLAINS RURAL HEALTH SERVICES, INC.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE:

IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |   |                                |   |                                |   |
|---|---|--------------------------------|---|--------------------------------|---|
| Citizen of This State                   | PTF <input checked="" type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | PTF <input type="checkbox"/> 4 | DEF <input checked="" type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2                | <input type="checkbox"/> 2     | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5     | <input type="checkbox"/> 5                |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3                | <input type="checkbox"/> 3     | Foreign Nation  | <input type="checkbox"/> 6     | <input type="checkbox"/> 6                |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

<b>CONTRACT</b>	<b>TORTS</b>	<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<b>IMMIGRATION</b>		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions		

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC secs. 2000e et seq.

Brief description of cause:

Race discrimination in employment and breach of contract.

**VII. REQUESTED IN COMPLAINT:**
☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
**DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☒ Yes ☐ No**VIII. RELATED CASE(S)****PENDING OR CLOSED:**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

03/06/2013

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE